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REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is reduced.

Telephone Interview Summary and Request

Applicant thanks the Examiner for her time and courtesies extended during a telephone interview with the undersigned on 01 February 2005. The Restriction Requirement was discussed, and the Examiner indicated the Restriction Requirement is withdrawn.

Applicant kindly requests the Examiner to contact the undersigned at (847) 490-1400 to schedule a further telephone interview, to discuss the merits of this Patent Application.

Petition for Extension of Time

This Amendment is filed with a Petition for a one month extension of time and the required petition fee.

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AMENDMENT TO THE DRAWINGS

The attached sheets of drawings includes changes to FIGS. 10-12. These sheets, which includes FIGS. 10-14, replace the original sheets including FIGS. 10-14. In FIGS. 10-12, alternating thick and thin hatching lines have been added.

Attachment: Replacement Sheet

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Amendment to the Claims

Applicant amended Claim 1 to include limitations from Claims 5 and 6. Claim 5 has been canceled as redundant. Claim 6 has been amended in view of amended Claim 1.

Claims 3, 4, and 11 are amended to clarify the claimed invention.

Claims 8 and 11 are amended to correct dependencies in view of canceled Claims 5 and 6.

No new matter has been added to the claims by this Amendment.

Election/Restriction

Applicant understands from the telephone interview on 01 February 2005 that the restriction of Claims 6, 7, and 17-24 has been withdrawn, and that these claims are to be considered on the merits.

Drawings

The cross sectional drawings were objected to for not showing thick and thin alternating hatching lines. Applicants amended FIGS. 10-12, thereby rendering this objection moot. If any further change be needed, Applicant requests the Examiner contact the undersigned by telephone.

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Claim Rejections - 35 U.S.C. §112

Claims 3-5, 8, and 11 have been rejected under 35 U.S.C. §112, for the reasons set forth at pages 3-4 of the Office Action. Applicant amended Claims 3, 4, and 11, and respectfully assert the above Amendment overcomes the rejection of Claims 3-5, 8, and 11.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-5, 8, and 14-16 under 35 U.S.C. §102(b) as anticipated by Ishikawa et al., JP 9-301403, is respectfully traversed.

Applicant's invention is, generally stated, a two-piece hinge closure. The invention of amended Claim 1 includes at least one spring element (24, 124, 204) and at least one coupling element (27, 127, 270) which are formed in one piece with one of a lower part (1) and a cap (2).

Ishikawa et al. discloses a three part closure. The snap hinge 4 is formed separately from the cap body 2 and the lid body 3 (English Abstract). As Ishikawa et al. does not disclose or suggest forming a spring element and a coupling element in one piece with either of a cap or lid body, Ishikawa et al. does not anticipate Applicant's claimed invention.

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Claim Rejections - 35 U.S.C. §103


The rejection of Claims 9, 10, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over Ishikawa et al., JP 9-301403, in view of Dubach, U.S. Patent 5,392,938, is respectfully traversed. Claims 9, 10, 12, and 13 depend from amended Claim 1, and are thus patentable for at least the same reasons as amended Claim 1, discussed above.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



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